REMARKS

Claims 1 – 4, 7 – 17 and 20 were pending in the application. Claim 1 has been amended herein. Claims 22 and 23 have been added. Claims 5, 6, 18, 19, and 21 were previously cancelled, and claim 20 is cancelled herein without prejudice. Support for the claim amendment and new claims can be found in the specification, for example on page 6, lines 3 to 4, and page 6, line 18. No new matter has been added.

Rejection of Claims Under 35 USC 102(b)

The Examiner has rejected claims 1 – 4, 7 – 10, 12 – 15 and 20 under 35 USC 102(b) as being anticipated by Mayfrank et al. (*Acta Neurochir* (Wein) 1993). Applicants respectfully traverse the rejection.

To anticipate a claim, each and every element of the claim must be found in a single reference. This is discussed in the Manual of Patent Examining Procedure § 2131:

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Mayfrank reference does not teach or suggest a method for the treatment of an extravascular hematoma or blood clot in a subject, comprising administering to the subject a therapeutically effective amount of a thrombolytic agent, wherein the thrombolytic agent is tissue plasminogen activator (t-PA) or recombinant tissue plasminogen activator (rt-PA), and the therapeutically effective amount is administered in about 0.1, 0.5, 0.75, 1, or 1.5 mg doses, thereby preventing or treating the extravascular hematoma or blood clot.

Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claims Under 35 USC 103(a)

The Examiner has rejected claims 11, 16 and 17 as being unpatentable over Mayfrank et al. as applied to claims 1 – 4, 7 – 10, 12 – 15 and 20 above.

Applicant respectfully disagrees.

Claim 1 has been amended to recite specific dosage amounts that cannot be obvious in view of the teachings of Mayfrank. Therefore, claims 11, 16, and 17 which depend from claim 1 cannot be obvious in view of Mayfrank. Mayfrank teaches doses of 2 to 5 mg of tPA which does not overlap with the instantly claimed dosing amounts.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Declaration of the Inventors under 37 C.F.R. §1.132

Applicant provides herewith a Declaration of the Inventors under 37 C.F.R. §1.132 to support the usefulness of the claimed doses of t-PA and rt-PA in the prevention and treatment of extravascular hematoma or blood clot. The Declaration demonstrates the effectiveness and safety of the claimed treatment methods.

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Fees and Request for Extension of Time for Reply

Applicant hereby requests an extension of three months in time for reply. The Commissioner is hereby authorized to charge Deposit Account No. 04-1105 referencing Docket No. 58719(71699) fees for an extension of three months in time for reply and a request for continued examination, small entity. It is believe that there are no further fees due with this response. However, if a fee is due with this or any other paper submitted by this firm in relation to this application, the Commissioner is hereby authorized to charge the Deposit Account above. Refund of any overpayments is respectfully requested.

Dated: September 2, 2009

Respectfully submitted,

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